

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 270 - SB 637**

March 3, 2017

**SUMMARY OF BILL:** Requires the court to award costs and reasonable attorney's fees upon dismissal of a complaint under certain circumstances to the party against whom the complaint was dismissed.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

**Assumptions:**

- Costs and reasonable attorney's fees will be awarded if a complaint is dismissed pursuant to Rule 12.02(6) of the Tennessee Rules of Civil Procedure, for failure to state a claim upon which relief can be granted.
- Under current law, pursuant to Tenn. Code Ann. § 20-12-119(c)(1), costs and attorney's fees are awarded if a claim is dismissed for failure to state a claim upon which relief can be granted.
- The provisions of the bill would require the complaint against a defendant to be dismissed prior to the court awarding costs and reasonable attorney's fees.
- The awarding of costs and attorney's fees in a civil proceeding upon dismissal of a complaint instead of a claim will not result in any significant impact to state or local government.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

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